

DISCLOSURE DOCUMENTS

A Disclosure Document (DD) is a document disclosing an invention and signed by the inventor(s). A DD is retained by the USPTO for a period of 2 years. To be accepted by the PTO, the DD must be submitted on single sided white paper measuring 8 ½ x 11-inch or A4 with a processing fee of \$10.00.

Each DD submitted and accepted by the PTO is assigned an identification number and the inventor is notified of the receipt of the document. The DD is then filed in numerical sequence by year of receipt and retained in the PTO for 2 years. After the 2-year period has expired, the DD is removed from storage in OIPE and transferred for storage at the Federal Records Center. DDs submitted without the proper fee or that do not meet the proper paper requirements are returned to the inventor.

At any time during the 2-year retention period, the inventor may request a copy of the DD. For each copy requested, the inventor must pay a fee of \$25. There are about 50 requests for copies of DDs each year. Inventors also may refer to their disclosure document in a patent application; this practice is also called a retention request. Disclosure Documents to be retained are retrieved from storage and matched with the patent application. A retention form is inserted in the DD storage box in the place of the removed DD.

Inventors also may deposit DDs with participating partnership Patent and Trademark Depository Libraries (PTDL.) Currently partnership PTDLs in Detroit, Michigan and College Station, Texas (Texas A&M Univ.) are participating. Approximately three DDs are received from PTDLs each month. The PTDL accepts these DDs, places their library-specific DD number label on the DD, and sends the DD to the USPTO for processing.

The contractor is responsible for identifying DDs and DD service requests received in the mail, at the Customer Window, from the partnership PTDLs, and from commercial package delivery services. The contractor shall verify that the DD meets the submission requirements and shall assign the DD identification number. If a DD does not meet submission requirements, the contractor will complete the DD Form Letter, attach it to the request, and mail it to the applicant with a copy of the preprinted Disclosure Document Pamphlet. The contractor shall box, file, retrieve, refile, and perform all other duties as needed to maintain the DD files and the DD file room. The contractor shall complete all required processing, including sending the acknowledgements for new DDs, copy requests, and retention requests within 3 workdays of receiving the document/request.

Disclosure Documents that are received from PTDLs have already been reviewed as acceptable by PTDLs and assigned a DD number. The contractor shall process the fee in accordance with contract requirements and shall file and maintain the DD for the 2-year retention period. The volume of PTDL DDs is 50-100 per year. Whatever is received is forwarded to the contractors monthly.

To answer customer service inquiries, the office may require the contractor to verify the receipt of a DD by retrieving and refiling the DD.

Disclosure Documents can be packed in boxes once they have been processed and notices have been mailed to the customers. The contractor shall maintain a log of the DD boxes, which will include the receipt date (month and year), range of Disclosure Document numbers in each box and any notations regarding documents that have been retained in reference to a pending patent application. The contractor shall submit a copy of the box log to the OIPE Records Coordinator on a monthly basis. Periodically, but no less than once per year, the contractor will prepare DDs that have been on file for at least 2 years, for transfer to the National Records Center. The Government will obtain and provide the contractor with the Accession Number and Agency Box Number that the contractor shall write on the boxes that will be included in the accession. Once the request for accession has been approved by the Federal Records Center, the Government will then arrange for pick-up of the boxes.

Processing Procedures

Initial Processing

- Identify and separate DDs from other incoming mail.
- Apply Mail Date.
- Review submitted documents to verify they meet DD requirements.
 - Look for:
 - 1) payment in the amount of at least \$10;
 - 2) document submitted on white paper measuring 8 ½ x 11-inch or A4 size paper;
 - 3) single-sided copies;
 - 4) one copy of the DD submitted (if an additional copy of the Disclosure Document is submitted with the DD request, paste one of the DD labels on the copy and return it to the inventor with the Disclosure Document Receipt Notice);
 - 5) a cover letter or form PTO/SB/95 (if an additional copy of the cover letter or form is submitted with the DD request, return it to the inventor with the Disclosure Document Receipt Notice).
- If any of the requirements in items (1), (2), (3), or (4), above, are not met, the DD is considered unacceptable and must be returned to the inventor.

- If all requirements are met,
 - apply a DD number bar-code label to the Disclosure Document, taking care not to obliterate any document text;
 - prepare and send to applicant the Disclosure Document Receipt Notice with the identifying Disclosure Document number and a copy of the cover letter or Disclosure Document Form PTO/SB/95;
 - sort documents into numerical order and bundle together; and
 - send bundle to RAM for fee posting.
- If one or more requirement is not met,
 - for each DD that fails to meet a requirement for acceptable submission, place a check next to the appropriate reason(s) on the disclosure Documents Form Letter;
 - return the DD, any fees which were submitted with the DD, and a copy of the Disclosure Document Program pamphlet to the inventor.

RAM Processing

- Fees for unacceptable DD submissions **must not** be collected.
- Fees for acceptable DDs should be processed in the following manner:
 - on RAM fee collection screen, enter mail date;
 - enter type '3;'
 - enter inventor's name, **exactly** as it appears on the DD, in the following order:
 - 1) last name
 - 2) first initial
 - 3) middle initial, followed by JR, SR, II, III, etc. as appropriate;
 - do not use punctuation or abbreviations (except as identified in 3), above).
- Apply fees in RAM using the DD bar-code label provided as the attorney docket number.
 - insure cursor is in the Attorney Docket No. field then scan the DD bar-code,
 - enter Fee Code '8018,'
 - fee amount will automatically display,
 - in the Quantity field enter '1.'

Fee Collection

Sale Edit Payment Void-Adjust View Utilities Window Help

Sale

Mailroom Dt: 070704 Received Dt: 070704 Type: 3 Name/Number: DOE J Q SR Attorney Docket No.: AB99999

Fee Entry

Fee Code: 8018 Fee Amount: 10.00 Quantity: 1 Continue Print: N

[FILING A DISCLOSURE DOCUMENT - REF FC 577 B]

Fee Code	St	Fee Amount	Qty	Partial	Extended Amount	Dep Act Amount	Other Amount	Print

TOTAL :

Balance Owed:

Excess Payment Balance:

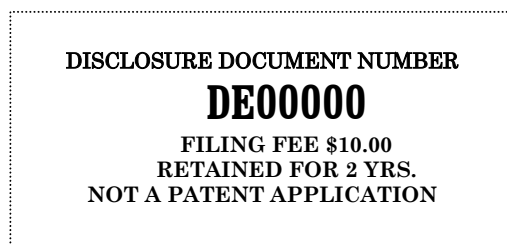
07/08/2004 AOSMAN1

Sample DD Fee Collection

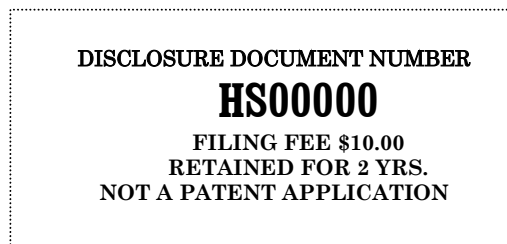
- Continue to follow RAM procedures to close sale.
- If payment is for more than one DD, follow RAM bulk check instructions, posting separate payment on each DD. Bulk check payments that total more than \$25 will be refunded to the inventor.
- A DD request which specifies submission of only one DD and has an enclosed payment for more than \$35 should not be processed. Return the entire DD document request including the fees. On the DD form letter, indicate the reason for the document's return as "An incorrect fee was received by the Office."
- Fee amounts that are in excess of the required \$10 fee per DD filing or \$25 fee per copy, but not more that \$25 above the fee, should be held under "Fee Code 9998."

- Note that DD's forwarded from the Detroit and College Station, TX (Texas A&M Univ.) PTDLs will not have bar-code label that can be scanned into RAM. DDs from these PTDLs will be stamped with a DD Number which must be keyed into the Attorney Document No. field in RAM. Samples of the PTDL Disclosure Document labels are shown below:

Detroit, Michigan PTDL DD Label



College Station, TX (Texas A&M University) PTDL DD Label



Filing

- After completing all RAM processing, file completed DDs in numerical order in the DD storage area.
 - DDs from the Detroit and College Station, TX PTDLs are filed separately from PTO-received DDs.

Customer Requests for DD Copies

- Only the original submitter of a DD can be provided a copy of that DD. A request for a copy of a DD must be received in writing and must be accompanied by the \$25 Disclosure Document copy fee. No copies will be provided until the \$25 fee has been paid.

- When filing a Disclosure Document, the applicant may request the office to make a copy of the Disclosure Document being submitted. Any such request must be accompanied by the \$25 fee in addition to the \$10 Disclosure Document filing fee.
- When a DD copy is requested at the time the original DD is submitted, the contractor shall first insure the document meets the requirements for an acceptable copy and shall collect the DD filing fee. After completing the initial processing, the contractor shall:
 - collect the \$25 fee under “Fee Code 8013,”
 - make a photocopy of the DD, and
 - mail the photocopy to the inventor along with the Disclosure Document Receipt Notice.
- An inventor also may request a copy of a previously filed DD. To be acceptable, a request for a copy of a previously filed Disclosure Document must meet all of the following requirements.
 - The request must identify the original DD number.
 - The requested DD must not have been filed more than 2 years prior to the receipt date of the letter requesting the DD copy.
 - The request must include the \$25 Disclosure Document Copy fee.
- If a DD copy request meets the above requirements, the contractor shall do the following:
 - collect the fee,
 - retrieve the DD from the storage area,
 - make a copy of the DD,
 - refile the original DD, and
 - mail the copy of the DD to the requester.
- Any DD copy request which fails to meet any of the stated requirements will not be processed. The request will be returned to the requestor with a copy of the Disclosure Document Form Letter which indicates the reason the Office did not provide the photocopy of the DD.

Other Acceptable Disclosure Document Submissions

- Customers may file for a new Disclosure Document using a copy of a previously filed DD. After receiving a copy of their previously filed DD from the Office, the customer may send that same copy back to the office to get a new Disclosure Document number. When this type of request is received, the contractor shall

- assign a new DD number,
- stamp over the mail date (which will show up on the DD copy) from the original filing with a “MAIL DATE CANCELLED” stamp,
- stamp the new mail date which indicates the date the refiled DD was received,
- collect required fees, and
- correctly file the new DD.

The refiled DD will be retained for 2 years from the date the copy was received. Inventors may refile DDs more than once and each is treated as a new DD.

Unacceptable Submissions

- Inventors may not order a copy of a previously filed DD and request that the Office, in lieu of mailing the copy to the customer, use this copy to file for a new DD with a new number and date. Any request of this nature should be returned to the inventor along with the DD form letter showing the reason “Disclosure Documents are not renewable or extendable.”
- Disclosure Documents are not renewable or extendable. Therefore, requests to extend the 2-year retention period for a DD cannot be processed. These requests should be returned to the inventor along with the DD form letter showing the reason “Disclosure Documents are not renewable or extendable.”

Disclosure Document Retention – non-IFW applications

- When a Tech Center receives a valid request for a retention (i.e., insertion of a previously filed DD into a patent application) the request is forwarded to the Office of Initial Patent Examination (OIPE) and is given to the contractor for processing. To process a retention request, the contractor shall:
 - prepare a retention label (PTO-150) by writing in the DD number, patent application number, and retention date;
 - affix the label to the Disclosure Document;
 - forward the memo and the labeled DD to the TC;
 - complete a “Disclosure Document Retention Form” and file this form where the DD previously was filed.

Disclosure Document Retention – IFW applications

- When a Tech Center receives a valid request for a retention, an IFW message will be sent to the OIPE contractors requesting processing. The message will notify the contractors that Disclosure Document #--- is being referenced under Patent Application #---.
- To process the IFW retention request, the contractor shall
 - prepare a retention label (PTO-150) by writing in the DD number, patent application number, and retention date;
 - affix the label to the Disclosure Document;
 - forward the labeled DD to be indexed and scanned into IFW;
 - complete a “Disclosure Document Retention Form” and file this form where the DD previously was filed.
- The contractors will fill out a “Disclosure Document Retention Form” and file it where the Disclosure Document was previously filed.

DISCLOSURE DOCUMENT RETENTION FORM

Disclosure Document #

Has been retained in reference to Patent Application #

Disclosure Document Storage

Disclosure Documents filed at the U.S. Patent and Trademark Office (USPTO) remain on file at the USPTO for 2 years, after which they are retired to inactive status unless a request to retain the documents in reference to a pending patent application has been received. However, the Solicitor's Office has requested that these documents, which have been used as key evidence in investigations and litigation involving the USPTO, be retained for a period of 5 years. Therefore, at the end of 2 years Disclosure Documents are shipped to the Federal Records Center (FRC) to be stored for a period of 3 years, at the end of which the documents can be destroyed. The contractor shall perform all tasks necessary for the storage and retention of Disclosure Documents.

On-site Storage of Disclosure Documents

- DDs can be packed in boxes following completion of all processing and mailing of notices to inventors.
- DDs shall be filed in numerical order to facilitate tracking and easy retrieval of documents.
- All papers associated with a DD shall be secured together by paper clip or staples.
- The first page of each DD shall contain the Disclosure Document Number.
- DDs filed in different years shall be packed in separate boxes (e.g., 2004 documents must be packed in boxes separate from 2003 documents).
- Only special-use boxes (available from the GSA Supply Catalog - Item #117-8249) can be used for Disclosure Document storage.
- A minimum of 1-inch of unused space shall be left at the top of each box.
- DD storage boxes **must not** be sealed or closed with tape; the top box flaps should be interlocked to close the box.
- Absolutely no markings may be made on the spaces reserved for the Accession Number and the Agency Box Number until instructions are given by the OIPE Records Coordinator.
- A log identifying the contents of each DD storage box shall be maintained in an accurate, up-to-date manner. At a minimum, the log shall contain the receipt date(s) and range of

DD numbers contained in each box and any notations regarding documents that have been retained in reference to a pending patent application.

- A copy of the box log shall be forwarded to the OIPE Records Coordinator on a monthly basis.

Preparing DD Boxes for Transfer to FRC

- If for any reason markings have been placed in the spaces reserved for the Accession Number and Agency Box Number, the markings shall be covered by using a special masking spray.
 - Tape or labels **may not** be used to cover the markings. The adhesive will deteriorate causing the tape or label to fall off.
- When Disclosure Documents are 2 years old, the OIPE Records Coordinator will initiate an accession request for transfer of the boxes in the log to the Federal Records Center.
- The Records Coordinator will obtain an Accession Number and will inform the operating unit.
- The correct Accession Number and Agency Box Number shall be written on each box that will be included in the accession.
- Following approval by the Federal Records Center of the accession request, the PTO Records Officer will deliver a set of labels which shall be affixed to the boxes, directly underneath the handle on the same side as the Accession Number and Agency Box Number.

Transferring Boxes to Federal Records Center

- Following approval of the accession request (which may take at least 10 business days from the date the request is submitted) and delivery of the papers to the operating unit, the OIPE Records Coordinator will submit a request to transfer the boxes contained on the accession list to the Federal Records Center.
- The original Form SF-135 and the accession list will be placed in Box 1 of the accession.
- The boxes will be picked up and transferred to the Federal Records Center.

DISCLOSURE DOCUMENT FORM LETTER



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER OF PATENTS

Dear _____:

_____ Your Disclosure Document request has not been processed for the following reasons:

_____ The required fee of \$10.00 was not received by the Office. Please return your Disclosure Document request with the \$10.00 fee and a self addressed stamped envelope to the address listed below.

_____ An incorrect fee was received by the Office. Your submission, including any fee is being returned. Please resubmit your disclosure document request with a fee of \$10.00 and a self-addressed stamped envelope to the address listed below.

_____ Oversized papers are not acceptable, a Disclosure Document should be submitted on white letter size 8 ½ x 11-inch or A4 (21.0 by 29.7 cm) paper, written on one side only. Please resubmit your disclosure document request on the appropriate size paper with a fee of \$10.00 and a self-addressed stamped envelope to the address listed below.

_____ Attachments such as videotapes and models are not accepted and are being returned at this time. Please resubmit your disclosure document request on the appropriate size paper with a fee of \$10.00 and a self-addressed stamped envelope to the address listed below.

_____ No written description was received. The description should contain a clear explanation of the manner and process of making and using the invention in sufficient detail. When necessary, drawings or sketches should be included.

_____ Disclosure Documents are not renewable or extendable.

_____ The required fee of \$25.00 for providing a copy of a Disclosure Documents was not received by the Office. Please return your Disclosure Document request with the required \$25.00 fee to the address listed below.

_____ Photocopying of Disclosure Document is only available for the 2-year period. Copies are not available beyond 2 years.

All correspondence pertaining to your Disclosure Document should be mailed to:

Mail Stop DD
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

If you have any questions, contact Customer Service at (703) 308-1202, Monday through Friday, 8:30 AM to 5:00 PM.

Sincerely,

Customer Service Center
Office of Initial Patent Examination